

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 11  
MARK J. POWELL :  
EIN 7808 Redacted :  
 :  
Debtor-in-Possession :  
 :  
 :  
MARK J. POWELL : CASE NO. 4:23-bk- 01417  
 :  
 :  
Movant(s) :  
 :  
PS BANK :  
 : on Motion to Extend  
CHRIS ROOF : Automatic Stay  
 :  
 :  
Chapter 13 Trustee :  
 :  
Respondent(s)

MOTION OF DEBTOR TO CONTINUE THE AUTOMATIC STAY  
PURSUANT TO 11 U.S.C. § 362(c) (3) (B)

The Debtor(s), by and through his attorney, C. STEPHEN GURDIN, JR., ESQUIRE respectfully represent as follows:

1. The above referenced proceeding was commenced with the filing of a voluntary petition on June 25, 2023 (the Pending Bankruptcy Case).
2. The previously filed a voluntary petition under Chapter 12 of the Bankruptcy Code on May 23, 2022 to number 4:22-bk-00953 MJC (the Prior Bankruptcy Filing).
3. The Prior Bankruptcy Filing was dismissed on October 17, 2022.
4. The prior Bankruptcy Filing was prior to the pending case for the purpose of 11 U.S.C. § 362(c) (3) (A), (B).

5. Since the Prior Bankruptcy Filing, the Debtor-in-Possession's income from his trucking operation has increased dramatically over what it was during prior years.
6. During the 2021 tax year, the Debtor had combined business and farm disposable pre-tax income 67,817. This included income from trucking of \$27,849. Although there was excess rainfall the farm component was \$42,797.
7. During the tax year 2022 the Debtor had combined business and farm disposable pre-tax income of \$56,462 with the trucking component at \$80,430 and the farm component at -\$32,270 due to inadequate rain fall.
8. During 2023 the trucking component of income continues to grow and rainfall appears adequate to support the crops in the ground.
9. The income from crops for farming varies annually as it depends on rainfall, a matter over which no one can control.
10. Trucking income has steadily increased from \$27,720 in 2019 to \$80,430, a threefold increase. Income from royalties is small and averages between \$1600 and \$6,000 per year. At the high end it amounts to \$500 per month and at the low end \$133 per month. In most years it is at the \$6,000 annual range.
11. During 2023 the trucking component of income has leveled off to about that it was in 2022 and rainfall appears much improved

over 2022 and appears to be adequate to support crops in the ground.

12. Assuming that there is adequate rainfall in 2023 and the trucking component continues even at its 2022 rate the estimated total disposable income is estimated at \$80,430 from trucking, \$42,797 from farming and \$6000 from royalties for a total annual disposable pre-tax income of \$129,227.
13. The increase continued increase in income will enable the Debtor to fund a Chapter 11 Plan.
14. The voluntary petition filed in the Pending Bankruptcy Case discloses the prior bankruptcy filing.
15. The pending bankruptcy case is filed in good faith.

WHEREFORE, the Debtor-in-Possession respectfully requests that this Court enter an Order pursuant to 11 U.S.C. 362 (c) (3) (B) continuing the automatic stay as in effect as to all creditors as to the Debtor-in-Possession, and all property of the Debtor-in-Possession, from and after the petition date.

Respectfully submitted

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